

REMARKS

This responds to the Office Action mailed on April 19, 2006.

Claims 1, 3, 5, 6, 13, 14, 21, and 24 are amended, claims 2, 16-20, and 25-28 are canceled; as a result, claims 1, 3-15, and 21-24 are now pending in this application.

Claim Objections

Claim 3 is objected to for a minor informality which has been corrected by this Amendment. The term "Mylar" appears in dictionaries as a "polyester film". This corresponds to the Description of Goods and Services (Reg. No. 0559948) in the PTO for Mylar® which has been in use since at least the year 1951.

§102 Rejection of the Claims

Claims 1-4, 11-12 and 21-22 were rejected under 35 USC § 102(b) as being anticipated by Kyminas et al. (U.S. 4,474,920). Applicant respectfully traverses the rejections and requests the Office to consider the following.

Independent claims 1 and 21 have been amended to include limitations from claims 6 and 24, respectively. The amendments obviate the rejections under 35 USC § 102(b).

Claims 6 and 24 (from which all other pending claims depend) were rejected under 35 USC § 103(a), which rejection is improperly based upon Coomer (US 2004/0126547 A1). A reference asserted under §102(e) (Coomer) that was commonly owned with an application at the time the invention was made, cannot preclude patentability under 35 U.S.C. §103 of the claims of the application when the application was filed on or after November 29, 1999. 35 U.S.C. 103(c); 1233 OG 55 (April 11, 2000). The present application was filed on December 31, 2003. Coomer and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Thus under this section of the Patent Statute, Coomer is not prior art with respect to all pending claims of the present application. Therefore, the Applicants respectfully request withdrawal of the rejections and reconsideration and allowance of claims all pending claims.

§103 Rejection of the Claims

Claims 5, 8, 10 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Kyminas et al. in view of Friedman (U.S. 5,534,593). Applicant respectfully traverses the rejection and requests the Office to consider the following.

Claims 6 and 24 (from which claims 5, 8, 10 and 23 respectively depend) were rejected under 35 USC § 103(a), which rejection is improperly based upon Coomer as set forth above. Therefore, the Applicant respectfully request withdrawal of the rejections and reconsideration and allowance of claims all pending claims.

Claim 9 was rejected under 35 USC § 103(a) as being unpatentable over Kyminas et al. in view of Auger (U.S. 6,030,692). Applicant respectfully traverses the rejection and requests the Office to consider the following.

Claim 6 (from which claim 9 depends) was rejected under 35 USC § 103(a), which rejection is improperly based upon Coomer as set forth above. Therefore, the Applicant respectfully request withdrawal of the rejections and reconsideration and allowance of claims all pending claims.

Claims 6-7 and 24 were rejected under 35 USC § 103(a) as being unpatentable over Kyminas et al. and Friedman as applied to claims 1 and 21 above, and further in view of Coomer (U.S. Publication No. 2004/0126547).

Claims 6 and 24 (from which all other pending claims depend) were rejected under 35 USC § 103(a), which rejection is improperly based upon Coomer (US 2004/0126547 A1). A reference asserted under §102(e) (Coomer) that was commonly owned with an application at the time the invention was made, cannot preclude patentability under 35 U.S.C. §103 of the claims of the application when the application was filed on or after November 29, 1999. 35 U.S.C. 103(c); 1233 OG 55 (April 11, 2000). The present application was filed on December 31, 2003. Coomer and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Thus under this section of the Patent Statute, Coomer is not prior art with respect to all pending claims of the present application.

Therefore, the Applicants respectfully request withdrawal of the rejections and reconsideration and allowance of claims all pending claims.

Allowable Subject Matter

Claims 13-15 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((801) 278-9171) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By /  /
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